

AMENDED IN SENATE JUNE 28, 2012

AMENDED IN ASSEMBLY MAY 31, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2231

Introduced by Assembly Member Fuentes
(Principal coauthor: Senator Padilla)

February 24, 2012

An act to amend Section 5611 of the Streets and Highways Code, relating to sidewalks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2231, as amended, Fuentes. Sidewalks: repairs.

Existing law requires the owners of lots or portions of lots fronting on any portion of a public street or place to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner.

Existing law requires the superintendent of streets, as defined, to provide specified notice to the owner or person in possession of the property fronting on that portion of the sidewalk so out of repair or pending reconstruction, to repair the sidewalk. Under existing law, if the repair is not commenced within 2 weeks after the notice has been provided, the superintendent of streets shall make the repair and the cost of the repair shall be imposed as a lien on the property.

This bill would provide that if a city, county, or city and county has an ordinance in place that requires that local entity to repair sidewalks, a repeal of that ordinance shall become effective only if the repealing ordinance is approved by the majority of voters voting on that measure in a consolidated or general election. *The bill would prohibit a city, county, or city and county that has an ordinance in place that requires that local entity to repair sidewalks, from imposing a fee, charge, or assessment, except a voluntary contractual assessment, for sidewalk repairs against an owner of private property fronting on any portion of a sidewalk, unless a repeal of that local entity's sidewalk repair ordinance is approved by the voters, as specified.* The bill would make these provisions applicable to charter cities and counties.

By imposing new duties on cities, counties, and cities and counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5611 of the Streets and Highways Code
2 is amended to read:
3 5611. (a) When any portion of the sidewalk is out of repair or
4 pending reconstruction and in condition to endanger persons or
5 property or in condition to interfere with the public convenience
6 in the use of the sidewalk, the superintendent of streets shall notify
7 the owner or person in possession of the property fronting on that
8 portion of the sidewalk so out of repair, to repair the sidewalk.
9 (b) Notwithstanding subdivision (a) or any other provision of
10 this article, if a city, county, or city and county has an ordinance
11 in place that requires that city, county, or city and county to repair
12 sidewalks, a repeal of that ordinance shall become effective only
13 if the repealing ordinance is approved by the majority of voters
14 voting on that measure, in a consolidated or general election.

1 (c) *Except as provided in Chapter 29 (commencing with Section*
2 *5898.10), no city, county, or city and county that has an ordinance*
3 *in place that requires that city, county, or city and county to repair*
4 *sidewalks shall impose a fee, charge, or assessment against a*
5 *private owner of property fronting on any portion of a sidewalk*
6 *for sidewalk repairs under this section, unless a repeal of the*
7 *sidewalk repair ordinance of that city, county, or city and county*
8 *is approved by a majority of the voters pursuant to subdivision*
9 *(b).*

10 ~~(e)~~

11 (d) The Legislature finds and declares that this section
12 constitutes a matter of statewide concern, and shall apply to charter
13 cities and charter counties. The provisions of this section shall
14 supersede any inconsistent provisions in the charter of any county
15 or city.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.